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GOOD MORNING. I WANT TO THANK KEN KIRK FOR THIS OPPORTUNITY TO SPEAK TO YOU TODAY ABOUT FEDERAL ENVIRONMENTAL POLICY ISSUES THAT RELATE TO THE SAFETY OF OUR NATION'S DRINKING WATER.

YOUR TIMING FOR MEETING COULDN'T BE BETTER. THE CONGRESS IS ACTIVELY WORKING ON TWO OF THE NATION'S MAJOR ENVIRONMENTAL LAWS AT CONFERENCES BETWEEN THE HOUSE AND THE SENATE. THIS IS USUALLY THE LAST CRITICAL STAGE IN THE LEGISLATIVE PROCESS.

HOUSE-SENATE CONFEREES ARE HARD AT WORK ON SUPERFUND, ESTABLISHED TO CLEAN UP HAZARDOUS WASTE FACILITIES, AND THERE IS A GOOD CHANCE THAT CONGRESS WILL COMPLETE WORK ON THIS LAW LATER THIS YEAR.

OF MORE IMMEDIATE IMPORTANCE, I AM PLEASED TO BE ABLE TO ANNOUNCE

TO YOU THIS MORNING THAT THE HOUSE AND SENATE CONFERENCE COMMITTEES ON THE SAFE DRINKING WATER ACT HAVE NOW REACHED AGREEMENT ON VIRTUALLY ALL ISSUES SEPARATING THE TWO HOUSES. THE CONFEREES MET YESTERDAY AND FORMALLY ADOPTED THE CONFERENCE AGREEMENT. I ANTICIPATE THAT WE WILL HAVE A BILL ON THE PRESIDENT'S DESK WITHIN A MONTH.

FOR THOSE OF YOU WHO HAVE FOLLOWED THIS DEBATE CLOSELY, LET ME VERY QUICKLY RUN THROUGH THE MAJOR AREAS WHERE THE HOUSE AND SENATE BILLS DIFFERED, AND LET YOU KNOW WHERE I THINK WE WILL COME OUT. THE MOST IMPORTANT AREAS OF DISAGREEMENT INCLUDED STANDARD SETTING AND GROUNDWATER PROTECTION.

ON THE STANDARD SETTING ISSUE, THE HOUSE HAS ACCEPTED A SENATE PROPOSAL WHICH REQUIRES EPA TO SET STANDARDS FOR SOME 85 CHEMICALS WITHIN THREE YEARS, BUT ALLOWS THE AGENCY TO SUBSTITUTE OTHER COMPOUNDS FOR UP TO SEVEN OF THE SPECIFIED CHEMICALS WHERE THE AGENCY FEELS THAT SUCH SUBSTITUTIONS WOULD PROVIDE FOR BETTER HEALTH PROTECTION.

GROUNDWATER PROTECTION HAS BEEN OUR MOST DIFFICULT AREA. THE HOUSE BILL INCLUDED A MAJOR FEDERAL GROUNDWATER PROTECTION EFFORT, WHILE THE SENATE BILL DID NOT. AFTER MONTHS OF NEGOTIATIONS WE ARE NOW VERY CLOSE TO AN AGREEMENT ON A NEW FEDERAL GROUNDWATER PROGRAM. WHILE MORE LIMITED IN SCOPE THAN THE ONE PROVIDED IN THE ORIGINAL HOUSE BILL, THIS PROGRAM STILL REPRESENTS A MAJOR STEP FORWARD IN THE LONG AND DIFFICULT BATTLE TO PROTECT OUR UNDERGROUND DRINKING WATER SUPPLIES FROM IRREVERSIBLE CONTAMINATION.

UNDER THE NEW GROUNDWATER PROGRAM STATES WOULD BE GIVEN THREE YEARS TO DEVELOP AND SUBMIT PLANS PROVIDING FOR THE PROTECTION OF UNDERGROUND DRINKING WATER SOURCES. THE PLANS ARE TO IDENTIFY "WELLHEAD PROTECTION AREAS" FOR EACH UNDERGROUND DRINKING WATER SOURCE, AND PROVIDE FOR PROTECTION FROM POTENTIAL SOURCES OF CONTAMINATION. OTHER ASPECTS OF THE PROGRAM INCLUDE A REQUIREMENT THAT STATES PREPARE CONTINGENCY PLANS IDENTIFYING ALTERNATE DRINKING WATER SUPPLIES IN THE EVENT OF CONTAMINATION OF A PROTECTED ACQUIFER.

IN THE SAFE DRINKING WATER ACT, AS IN THE OTHER ENVIRONMENTAL LAWS, THE CONGRESSIONAL DEBATE CENTERED ON THE ROLE OF THE EPA IN REDUCING PUBLIC EXPOSURE TO TOXIC CHEMICALS IN THE ENVIRONMENT. THE KEY ISSUE WAS WHETHER WE NEED FEDERAL STANDARDS FOR THE RELEASE OF HAZARDOUS SUBSTANCES, OR CAN RELY SOLELY UPON STATE AGENCIES OR INDUSTRY TO DETERMINE WHAT THE SAFE LEVEL SHOULD BE.

AFTER OVER FIVE YEARS OF WORK AND DEBATE, THE CONGRESS HAS CONCLUDED THAT, AT LEAST FOR TAP WATER, THE EPA MUST FINALLY SET STANDARDS FOR THE SAFE LEVELS OF A HOST OF IDENTIFIED CHEMICALS, PESTICIDES, AND OTHER CONTAMINANTS THAT ARE NOW WIDESPREAD IN DRINKING WATER SUPPLIES NATIONWIDE.

BOTH HOUSES HAVE ALSO AGREED THAT A PARTICULAR TECHNOLOGY -- GRANULAR ACTIVATED CARBON -- IS FEASIBLE FOR CONTROLLING MANY OF THE SYNTHETIC ORGANIC CHEMICALS APPEARING IN TAP WATER.

OTHER IMPORTANT CHANGES IN THE DRINKING WATER LAW INCLUDE THE ESTABLISHMENT OF A NEW PROGRAM TO MONITOR FOR UNREGULATED CONTAMINANTS IN DRINKING WATER, NEWLY EXPANDED EPA ENFORCEMENT AUTHORITIES, AND A SPECIAL PROGRAM FOR THE PROTECTION OF "SOLE SOURCE AQUIFERS."

WE HAVE COME A LONG WAY FROM THE 1980 GRAMM BILL, ONE OF THE FIRST LEGISLATIVE EFFORTS OF THEN CONGRESSMAN PHIL GRAMM, NOW OF GRAMM-RUDMAN FAME. AS SOME OF YOU MAY RECALL, HIS BILL WOULD HAVE RETURNED MUCH OF THE SAFE DRINKING WATER PROGRAM TO THE STATES AND FORCED THE USE OF COST-BENEFIT ANALYSIS IN ALL REGULATORY DECISIONS. FORTUNATELY, THAT GRAMM BILL DID NOT PASS THE CONGRESS.

THE CONGRESSIONAL DECISION TO FIRST IDENTIFY CHEMICALS IN THE SAFE DRINKING WATER ACT FOR EPA STANDARD-SETTING AND THEN SPECIFY COST-EFFECTIVE TECHNOLOGIES THAT WILL WORK TO CONTROL THEM IS IN DIRECT RESPONSE TO A REGULATORY PARALYSIS AT EPA IN THE DRINKING WATER PROGRAM.

THE SAFE DRINKING WATER ACT, PASSED OVER TEN YEARS AGO, REQUIRED THAT EPA SET STANDARDS FOR CHEMICALS APPEARING IN TAP WATER AT THAT TIME. IN TEN YEARS, DESPITE THE GROWING CONTAMINATION OF TAP WATER, EPA SET STANDARDS FOR ONLY TWO CONTAMINANTS -- SO-CALLED THM'S -- WHICH ARE THE BY-PRODUCTS OF CHLORINATION, AND RADIONUCLIDES.

EVEN THOSE STANDARDS WHICH HAVE BEEN SET ARE DISTURBINGLY WEAK. THE MOST IMPORTANT EXAMPLE IS THE THM STANDARD. THM'S ARE AN EXCEPTIONALLY PERVASIVE CONTAMINANT, PRODUCED AS A BY-PRODUCT OF THE DIS-INFECTION PROCESS. IN FACT, THE THM CHLOROFORM WAS FOUND IN FULLY 57% OF THE SAMPLES IN EPA'S RANDOM SURVEY OF UNDERGROUND DRINKING WATER SUPPLIES. CHLOROFORM IS A PROVEN CARCINOGEN, OFFICIALLY LISTED AS A CANCER-CAUSER BY THE NATIONAL TOXICOLOGY PROGRAM.

THE EPA STANDARD FOR THM'S WAS PEGGED TO THE LEVEL OF CONTAMINATION WHICH COULD BE REMOVED THROUGH USE OF AVAILABLE TECHNOLOGY. AS MOST OF YOU ARE AWARE, THE SINGLE BEST TECHNOLOGY FOR REMOVAL OF THM'S IS GRANULAR ACTIVATED CARBON. EPA FOUND GRANULAR ACTIVATED CARBON TO BE EFFECTIVE IN REMOVING THM'S AND MANY OTHER CHEMICALS FROM TAP WATER. BUT IT REFUSED TO REQUIRE THE USE OF THIS TECHNOLOGY BECAUSE OF COST, EVEN THOUGH AT THE SAME TIME THE TECHNOLOGY WAS IN WIDESPREAD USE IN EUROPE.

AS A RESULT, EPA SET A SURPRISINGLY LAX THM STANDARD OF 100 MICROGRAMS PER LITER. BOTH EPA AND THE PRESIDENT'S COUNCIL ON ENVIRONMENTAL QUALITY HAVE CALCULATED THE CANCER RISKS ASSOCIATED WITH THIS STANDARD TO BE 4 IN 10,000, A MUCH HIGHER RISK FIGURE THAN THAT NORMALLY ASSOCIATED WITH EPA STANDARDS. SUCH A HIGH RISK FIGURE IS ESPECIALLY DISTURBING IN LIGHT OF THE PERVASIVE EXPOSURE TO THESE SUBSTANCES FROM DRINKING WATER SUPPLIES ACROSS THE COUNTRY.

RECENT EPA STUDIES HAVE HIGHLIGHTED THE HEALTH THREAT PRESENTED BY THIS GLARINGLY INADEQUATE STANDARD. IN A STUDY OF THE PHILADELPHIA AREA LAST SUMMER, EPA OFFICIALS CONCLUDED THAT CHLOROFORM IN DRINKING WATER CONTRIBUTED MORE THAN 70% OF THE TOTAL ESTIMATED CANCER RISKS TO LOCAL RESIDENTS FROM AIR AND DRINKING WATER. SIMILARLY, A RECENT EPA STUDY OF ENVIRONMENTAL HAZARDS IN CALIFORNIA'S SILICONE VALLEY IDENTIFIED THM'S AS THE GREATEST ENVIRONMENTAL HEALTH THREAT IN THAT AREA.

I EXPECT EPA TO DRAMATICALLY TIGHTEN THE THM STANDARD AFTER PASSAGE OF OUR NEW DRINKING WATER LAW. AS I MENTIONED EARLIER, THE HOUSE AND SENATE HAVE AGREED ON STRONG LANGUAGE WHICH WILL MAKE CLEAR THAT GAC IS AN AVAILABLE TECHNOLOGY FOR THM CONTROL WHICH SHOULD BE CONSIDERED IN THE ESTABLISHMENT OF DRINKING WATER STANDARDS.

EPA'S ENFORCEMENT EFFORTS HAVE BEEN EQUALLY DISAPPOINTING. DESPITE OVER 100,000 VIOLATIONS OF DRINKING WATER STANDARDS RECORDED IN 1981, EPA HAS BROUGHT FEW CASES OVER THE FOLLOWING YEARS. EPA'S SIX CIVIL ACTIONS IN 1985 HAVE BEEN AIMED PRIMARILY AT SMALL WATER SYSTEMS SUPPLYING BAD WATER TO TRAILER PARKS. PREVENTING BACTERIAL DISEASES FROM DRINKING TAP WATER IN TRAILER PARKS IS IMPORTANT, BUT I BELIEVE THAT EPA MUST ALSO FOCUS ON REDUCING THE GROWING CHEMICAL CONTAMINANTS IN TAP WATER NATIONWIDE.

EPA IS ALSO PURSUING A SIMILAR SMALL SOURCE REGULATORY STRATEGY UNDER THE CLEAN AIR ACT AGAINST DRYCLEANERS, WOODSTOVES AND FIREPLACES.

I HOPE THAT OUR NEW LAW'S ENFORCEMENT AUTHORITY WILL FINALLY GET EPA MOVING AGAINST WATER COMPANIES VIOLATING DRINKING WATER STANDARDS. OBVIOUSLY, SOME OF THESE VIOLATIONS WON'T WARRANT EPA'S FULL ENFORCEMENT POWER. WE HAVE RECOGNIZED THE NEED FOR ENFORCEMENT DISCRETION BY GIVING EPA THE AUTHORITY TO ISSUE ADMINISTRATIVE ORDERS FOR THE LESS DANGEROUS VIOLATIONS.

THE CONGRESS HAS LITTLE CHOICE BUT TO FORCE EPA INTO ACTION, ESPECIALLY WHEN WE CONSIDER HOW STRONGLY THE PUBLIC FEELS ABOUT CONTAMINATION OF DRINKING WATER.

A RECENT CALIFORNIA PUBLIC OPINION POLL REVEALED THAT AN OVERWHELMING 83% OF THE PUBLIC IN MY STATE FAVORS BANNING IN TAP WATER ANY CHEMICAL THAT HAS CAUSED CANCER OR BIRTH DEFECTS IN LABORATORY

ANIMALS. EVEN WHEN TOLD THAT THE BAN COULD CAUSE CONSIDERABLE COSTS TO BUSINESSES AND CONSUMERS, THE PUBLIC STILL OVERWHELMINGLY SUPPORTED A BAN ON ALL TOXIC CHEMICALS IN TAP WATER. NO SINGLE SEGMENT OF THE POPULATION BROKEN DOWN BY POLITICAL PARTY, POLITICAL VIEWPOINT, EDUCATION, INCOME, AGE, SEX, OR ETHNIC BACKGROUND DISAGREED WITH THIS POWERFUL SENTIMENT. THIS IS STRONG EVIDENCE THAT WE HAVE A NATIONAL CONSENSUS ON THIS PUBLIC CONCERN.

THE REAGAN EPA IS CLEARLY OUT OF STEP WITH THE PUBLIC ON THIS ISSUE. EPA DEFENDS ITS LACK OF ACTION ACROSS ALL OF ITS ENVIRONMENTAL PROGRAMS BY INCREASING RELIANCE ON A TOOL CALLED "QUANTITATIVE RISK ASSESSMENT." THIS TOOL IS USED TO PREDICT THE NUMBER OF PEOPLE THAT WILL CONTRACT CANCER FROM EXPOSURE TO A CHEMICAL. EPA CONFINES ITS RISK ASSESSMENT ACTIVITIES TO AN EVALUATION OF CANCER RISKS, AND ASSUMES IN EVERY CASE THAT OTHER TOXIC EFFECTS SUCH AS GENE AND BRAIN DAMAGE, BIRTH DEFECTS AND LUNG, KIDNEY AND LIVER DISEASE SIMPLY DO NOT OCCUR.

EVEN BILL RUCKELSHAUS, A CHIEF PROPONENT OF QUANTITATIVE RISK ASSESSMENT, ADMITS THAT IT IS AT BEST A "PRETENSE" THAT ASSUMES THAT WE HAVE GREATER KNOWLEDGE THAN SCIENTISTS ACTUALLY POSSESS, AND THEN BASES DECISIONS UPON THOSE ASSUMPTIONS.

THE LIMITS OF QUANTITATIVE RISK ASSESSMENT ARE TOO OFTEN OVERLOOKED ONCE A NUMBER IS COMPUTED. EVEN IF WE KNOW THAT A CERTAIN SUBSTANCE CAUSES CANCER IN ANIMALS OR HUMANS, WE STILL MUST MEASURE WHAT THE POPULATION EXPOSURE WOULD BE FROM THAT CHEMICAL, AND ACCOUNT

FOR THE DIFFERENT SENSITIVITY TO THE SUBSTANCE AMONG A DIVERSE POPULATION.

THIS IS A PROCESS FRAUGHT WITH UNCERTAINTY. EPA DOESN'T KNOW, FOR INSTANCE, HOW MUCH DANGEROUS CHEMICALS WILL BE EATEN, DRUNK AND BREATHED BY A CHILD. YET IT PRETENDS THAT IT DOES KNOW.

THIS PRETENSE IS NOT MINOR. RATHER THE QUANTIFICATION OF RISKS IS SO COARSE THAT NUMERICAL ESTIMATES OF HEALTH EFFECTS CAN BE VERY MISLEADING. THEY ARE DANGEROUS PRECISELY BECAUSE THEY PRETEND TO NUMBER WHAT CANNOT BE COUNTED. AND THEY ARE DANGEROUS BECAUSE THEY CALLOUSLY DISTORT PERSONAL SUFFERING AND DEATH INTO A COLD STATISTIC.

IN SHORT, EPA PREFERS TO PRETEND THAT IT KNOWS THAT A SUBSTANCE IS SAFE, WHEN IT DOESN'T. I BELIEVE THAT THE OPINION POLLS ARE CLEARLY SHOWING THAT THE AMERICAN PUBLIC ISN'T BUYING EPA'S PHONEY ASSESSMENTS DESPITE ALL OF ITS EFFORTS TO PERSUADE THE PUBLIC THAT A LITTLE BIT OF CANCER CHEMICALS WON'T HURT THEM.

I AM NOT SAYING THAT EPA SHOULD ABANDON ALL EFFORTS TO QUANTIFY RISKS. BUT EPA NEEDS TO GET MUCH BETTER INFORMATION IF IT EVER HOPES TO GENERATE QUANTITATIVE RISK ASSESSMENTS THAT MEAN ANYTHING.

IN THIS REGARD, I AM PLEASED TO SEE THAT EPA IS UNDERTAKING A COMPREHENSIVE SURVEY OF GROUNDWATER TO DETERMINE THE EXTENT OF PESTICIDE CONTAMINATION. WE NEED TO COLLECT THIS INFORMATION RAPIDLY AND ACT UPON IT IF WE ARE TO PROTECT THE PUBLIC AGAINST THIS GROWING

THREAT.

BUT THE PESTICIDES IN DRINKING WATER CAN'T BE VIEWED IN ISOLATION. AMERICANS ARE OFTEN EXPOSED TO PESTICIDES FROM OTHER SOURCES AS WELL, AND IT IS THE "TOTAL BODY BURDEN" OF THESE CHEMICALS WHICH REPRESENTS THEIR HEALTH THREAT. PESTICIDE RESIDUES ON PRODUCE, AND EVEN IN SOME MEATS AND FISHES, ARE A WIDESPREAD PROBLEM WHICH EPA AND THE FOOD AND DRUG ADMINISTRATION HAVE YET TO COME TO GRIPS WITH. AND IN SOME AREAS, EXPOSURE TO AIRBORNE PESTICIDES IS A SERIOUS HEALTH THREAT.

EPA IS NOT BEING FAIR TO THE PUBLIC THAT RELIES ON IT FOR PROTECTION WHEN IT ANNOUNCES THAT THE RISK FROM A PARTICULAR CHEMICAL IS SLIGHT, WITHOUT HAVING TAKEN INTO ACCOUNT ALL OF THE EXPOSURE ROUTES, AND THE POTENTIALLY IMPORTANT CUMULATIVE IMPACT OF OTHER CHEMICALS.

THE DRINKING WATER PROGRAM ISN'T THE ONLY PROGRAM WHERE CONGRESS AND EPA ARE AT ODDS. SUPERFUND REAUTHORIZATION IS ALSO PRESENTING SIMILAR ISSUES FOR THE CONGRESS. EPA WOULD LIKE TO REDEFINE THE PROBLEM OF HAZARDOUS WASTE AS A STATE ONE AS WELL, AND NARROW THE SCOPE OF THE LAW TO COVER ONLY A SELECT GROUP OF ABANDONED HAZARDOUS WASTE SITES. EPA IS USING TORTURED ACCOUNTING PROCEDURES TO IDENTIFY ONLY 22,000 ABANDONED WASTE SITES WHEN GAO TELLS US THAT A RIGOROUS INVESTIGATION WOULD REVEAL 378,000 FACILITIES IN NEED OF CLEANUP.

WITH THIS LAW TOO, EPA REFUSES TO ACKNOWLEDGE THE NEED FOR A TIMETABLE FOR CLEANING UP, AND WILL NOT SET STANDARDS FOR PROTECTING PUBLIC HEALTH. RATHER THAN REQUIRE THAT CLEANUPS OF WASTE SITES MEET STANDARDS FOR CLEAN AIR, WATER AND DRINKING WATER, EPA WOULD HAVE ANY LEVEL OF RELEASE OF CHEMICALS BE DEFINED AS THE SAFE LEVEL.

AGAIN, I DON'T THINK THAT THE AMERICAN PEOPLE WANT THAT TO HAPPEN. PUBLIC SUPPORT FOR STRONG ENVIRONMENTAL LAWS HAS NEVER BEEN GREATER.

FACED WITH GROWING PUBLIC ALARM ABOUT THESE PROBLEMS AND CONTINUED EPA INACTION, CONGRESS IS BEING FORCED TO GO FORWARD WITH LEGISLATION THAT REQUIRES EPA TO ACT TO PROTECT PUBLIC HEALTH. OFTEN THIS PROCESS TAKES LONGER THAN ONE CONGRESS, BUT THE DIRECTION AND OUTCOME ARE VERY CLEAR.

MANY OF THE ISSUES THAT WE ARE DEBATING TODAY IN THESE LAWS WILL HAVE AN IMPACT ON YOUR INDUSTRY. WE HAVE CALLED UPON YOUR INDUSTRY IN THE PAST FOR YOUR VIEWS ABOUT THE COST AND FEASIBILITY OF TECHNOLOGIES FOR CONTROL OF CONTAMINATION IN TAP WATER AND YOU HAVE ALWAYS RESPONDED WITH EXCELLENT TESTIMONY. WE HAVE CAREFULLY REVIEWED THIS INFORMATION IN ARRIVING AT OUR LEGISLATIVE COMPROMISE.

PASSAGE OF THE SAFE DRINKING WATER ACT THIS YEAR WILL MARK THE REAUTHORIZATION OF A MAJOR ENVIRONMENTAL LAW WITHIN THE JURISDICTION OF MY SUBCOMMITTEE. I PLAN TO FOLLOW ITS IMPLEMENTATION VERY CLOSELY AND CALL UPON YOU AGAIN FOR YOUR VIEWS WHEN PROBLEMS ARISE.

THANK YOU FOR THIS OPPORTUNITY TO SPEAK TO YOU THIS MORNING ABOUT THESE VERY IMPORTANT PUBLIC ISSUES. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.